

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAURA GANZERO, RACHELLE
HEMMING, and MARCIA JOHNSON on
behalf of themselves and others similarly
situated,

Plaintiffs,

- against -

BENSUSAN RESTAURANT CORP., d/b/a
BLUE NOTE JAZZ CLUB, STEVE
BENSUSAN, and DANNY BENSUSAN,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Motion together with the Settlement Agreement and all agreements attached thereto, the undersigned will and hereby do move this Court before the Honorable Deborah A. Batts, United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date to be determined by the Court or as soon thereafter as counsel may be heard for an order preliminarily approving the class action settlement agreement and notice to the class.

Dated: March 13, 2008
New York, New York

JOSEPH & HERZFELD LLP

/s/ D. Maimon Kirschenbaum
By: D. Maimon Kirschenbaum (DK-2338)
Charles E. Joseph (CJ-9442)

757 Third Avenue, 25th Floor
New York, New York 10017
(212) 688-5640
(212) 688-2548 (fax)